

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Ameen A. Muhammad,)	C/A No. 1:19-cv-03489-DCC
)	
Plaintiff,)	
)	
vs.)	
)	
)	ORDER
CCOH or CCHM, H. Drayton, Theodolph))	
Jacobs, O'Brien, G. Williams, John Doe,)	
)	
Defendants.)	
_____)	
)	

This matter is before the Court on Plaintiff's Complaint alleging violations of his civil rights pursuant to 42 U.S.C. § 1983. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings and a Report and Recommendation ("Report"). On December 18, 2019, the Magistrate Judge directed Plaintiff to file certain documents to bring this action into proper form for further evaluation and possible service of process. ECF No. 6. On the same day, the Magistrate Judge also issued an order informing Plaintiff that his Complaint was subject to summary dismissal and directing him to file an Amended Complaint. ECF No. 7. Plaintiff failed to respond to either order. On January 14, 2020, the Magistrate Judge issued a Report recommending that this action be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and for failure to state a claim upon which relief can be granted. ECF No. 11. The Magistrate Judge advised Plaintiff of the

procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections, and the time to do so has passed.¹

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s

¹ The Report was returned as undeliverable. ECF No. 13. Plaintiff was specifically warned that it is his responsibility to keep the Court informed as to his current address. See ECF No. 6.

recommendation. This action is **DISMISSED** without prejudice and without issuance of service of process pursuant to Federal Rule of Civil Procedure 41(b).²

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

February 19, 2020
Spartanburg, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

² See *Goode v. Cent. Va. Legal Aid Soc'y, Inc.*, 807 F.3d 619 (4th Cir. 2015); *Domino Sugar Corp. v. Sugar Workers Local Union 392*, 10 F.3d 1064 (4th Cir. 1993); see also *Grady v. White*, No. 16-7722, 2017 WL 1437235 (4th Cir. April 24, 2017) (dismissing without remand because district court previously afforded the plaintiff the chance to amend his complaint).